

Asbestos frenzy must end ... properly

By Dick Armey

Last month, The Washington Examiner correctly editorialized that the "asbestos feeding frenzy must end," because runaway asbestos litigation is destroying jobs and not aiding real victims. However, The Examiner's suggested solution — Sens. Arlen Specter, R-Penn., and Patrick Leahy's, D-Vt., proposed Asbestos Trust Fund program — is not the answer.

Congress should instead pass Rep. Chris Cannon's medical criteria legislation, which is a principled approach that addresses the problem in our courts.

Asbestos litigation is devastating the court system. In its May 10 editorial, The Examiner correctly stated that, of the hundreds of thousand of pending asbestos claims, "only a fraction of claimants ... are suffering from serious illness."

Fortunately, House conservatives, led by Reps. Mike Pence, R-Ind., Jeff Flake, R-Ariz. and Cannon, R-Utah, have the courage to stand up and offer an alternative solution that fixes the underlying problem.

Our court system is broken and rather than abandon it altogether, as Sen. Specter proposes, Reps. Cannon, Pence and Flake have authored legislation to fix the courts by implementing real medical criteria standards for asbestos cases.

On April 28, they introduced H.R. 1957, the "Asbestos Compensation Fairness Act of 2005," and the bill now has 54 additional cosponsors. That's an impressive show of support.

The Cannon-Pence-Flake legislation addresses the litigation crisis by requiring claimants to meet medical standards based primarily on the American Medical Association's Guides for the Evaluation of Permanent Impairment, as well as elements of standards recently approved by the American Bar Association.

These are neutral, objective standards that make certain that only claimants who are physically impaired as a result of asbestos exposure can bring or maintain a civil suit for damages.

H.R. 1957 further protects real victims by extending the statute of limitations — workers with asbestos exposure, but no illness, would no longer be forced to file premature lawsuits in order to protect their claim.

The Cannon-Pence-Flake medical criteria would allow the courts to prioritize cases and ensure that real victims receive full compensation. It's a rational approach that protects both actual victims and American businesses and workers.

The business community is rightly desperate for a solution to the asbestos crisis and some have been supporting the Specter-Leahy Trust Fund because it had seemed like the best way to move the process forward. But now that Cannon, Pence and Flake have introduced H.R. 1957, conservative support is swinging behind this practical, principled approach.

It's still going to be a difficult fight to overcome the powerful trial lawyer lobby in the U.S. House, but House conservatives are well positioned to lead the fight.

Cannon is chairman of the Subcommittee on Commercial and Administrative Law for the Judiciary Committee, the key committee of jurisdiction, and his colleagues in the conservative Republican Study Committee are increasingly flexing their muscles on issues of core Republican principle.

Does the GOP definition of tort reform mean new taxes and government programs? Or should it mean fixing our broken courts?

Cannon, Pence and Flake are right: Let's fix the underlying legal problem, not create a new tax-and-spend program. Instead of Specter's Asbestos Trust Fund, Congress should follow their lead and pass strict medical criteria legislation, ensuring that real victims receive prompt and just compensation while protecting businesses, workers and taxpayers.

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